

Superfund Program Implementation Manual FY04/05

Chapter I: Introduction

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Chapter I Introduction

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CHAPTER I INTRODUCTION

I.A PURPOSE

EPA, working in collaboration with the states, Indian tribes, and other Federal agencies, manages programs designed to cleanup priority hazardous waste sites and releases. These programs include Superfund, Brownfields, Resource Conservation and Recovery Act (RCRA), Underground Storage Tanks (UST), and Oil. The focus of those programs is to maximize the protection of human health and the environment and to allow these sites to be returned to productive use to improve the quality of life in America's communities.

The Superfund Program Implementation Manual (SPIM) is a planning document that defines program management priorities, procedures and practices for the Superfund Program (including response, enforcement, and Federal Facilities). The SPIM provides the link between the Government Performance and Results Act (GPRA), EPA's Strategic Plan, and the Superfund programs' internal processes for setting priorities, tracking and planning performance, and meeting program goals. It establishes the process to track overall program progress through program targets and measures.

The Government Performance and Results Act (GPRA) holds federal agencies accountable for using resources wisely and achieving program results. GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public. GPRA requires agencies to develop a five-year Strategic Plan, including a mission statement and long-term goals and objectives. EPA's strategic plan is divided into five goals: air; water; land; communities and ecosystems; and compliance and environmental stewardship. The Superfund program contributes to the goal of preserving and restoring the land. GPRA also requires agencies to develop annual Performance Plans, which provide annual performance commitments toward achieving the goals and objectives presented in the Strategic Plan; and annual Performance Reports, which evaluate an agency's progress toward achieving performance commitments.

The SPIM provides standardized and common definitions for the Superfund program, and it is part of EPA's internal control structure. As required by the Comptroller General of the United States, through government accepted accounting standards and auditing practices, this document defines program scope and schedule in relation to budget, and is used for audits and inspections by the General Accounting Office and the Office of the Inspector General. The SPIM is developed on a biennial basis, and this document provides information for the period covering FY 2004 and FY 2005. Revisions to the SPIM are issued during the biennial cycle as needed.

The SPIM contains three chapters and a number of appendices. Chapter 1 provides a brief summary of the Superfund Program and summarizes key program priorities and initiatives. Chapter 2 describes program planning and reporting requirements and processes. Chapter 3 describes the budget process and financial management requirements. Appendices A through J highlight program priorities and initiatives and provide detailed programmatic information, including program targets and measures, for critical parts of the Superfund Program.

Notice To Readers: At the time of publication of the FY 04/05 SPIM, several actions were underway that impacted the content of the document. These actions included: a re-organization of the Office of Emergency and Remedial Response (OERR) and re-naming it "Office of Superfund Remediation and Technology Innovation (OSRTI)"; a complete revision to the Agency's Strategic Plan and goal structure, and to the budgeting, accounting and performance management procedures; a comprehensive review of CERCLIS and the SPIM as part of the CERCLIS modernization project; and a reorganization within Office of Solid Waste and Emergency Response (OSWER) which will shift responsibility for the Superfund removal program from the Office of Superfund Remediation and Technology Innovation (OSRTI) to the Office of Emergency Preparedness, Prevention and Response (OEPPR), and consolidate responsibilities for homeland security within OEPPR. The SPIM as of Change 2 reflects these changes.

I.B SUPERFUND

I.B.1 Introduction

The Superfund program addresses contamination from uncontrolled releases at Superfund hazardous waste sites that threaten human health and the environment. The Superfund program is comprehensive, yet flexible and innovative. Its mission is both immediate and long-range. Its focus is specific enough to handle individual site cleanup with precision, yet broad enough to encourage advances in a relatively new scientific and technical field. Today the hazardous waste problem in the United States remains large, complex and long-term.

The overarching goals of the Superfund Program are ensuring the protection of human health and the environment, and maximizing the involvement of potentially responsible parties in conducting cleanups at sites, also known as “enforcement first”. EPA will continue to address the worst sites first, while balancing the need to complete response actions at sites.

To protect human health and the environment and address potential barriers to redevelopment, EPA works with states, Indian tribes, and other Federal agencies to:

- Assess sites and determine whether they meet the criteria for Federal Superfund response actions;
- Prevent, minimize, or mitigate significant threats at Superfund sites through removal actions;
- Generate risk assessments that consider the future use of the site and prepare accurate cost-performance data as the technical foundation for environmental cleanup decisions;
- Complete remedial cleanup construction at sites listed on the National Priorities List (NPL);
- Control human exposure to and the migration of contaminated groundwater at NPL sites;
- Develop technologies for cost-effective site characterization and remediation;
- Ensure long-term protectiveness of remedies by overseeing operation and maintenance and conducting five-year reviews;
- Enhance the role of states and Indian tribes in the implementation of the Superfund program;
- Pursue “enforcement first” throughout the Superfund cleanup process;
- Work with communities surrounding Superfund sites to improve their direct involvement in every phase of the cleanup process and their understanding of potential site risk;
- Continue progress of cleanups while increasing consistency with other EPA cleanup programs; and
- Promote reuse and redevelopment of Superfund sites.

I.B.2 Superfund and its History

Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly called Superfund, in 1980. Prior to this, there was no authority for direct Federal response to hazards posed by abandoned and uncontrolled hazardous waste sites. Existing environmental laws, such as the Resource Conservation and Recovery Act (RCRA), provided regulatory requirements to address present activities and prevent future catastrophes, but lacked authority to allow Federal emergency and long-term responses to past disposal problems.

CERCLA is unique in that it provided the first Federal response authority to address the problem of uncontrolled hazardous waste sites. CERCLA, for the first time, required EPA to step beyond its traditional regulatory role and provide response authority to clean up hazardous waste sites.

In October 1986, Congress reauthorized CERCLA by enacting the Superfund Amendments and Reauthorization Act (SARA). SARA included Title III, a freestanding statute, that created the Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA is designed to help communities prepare to respond in the event of a chemical emergency, and to increase the public's knowledge of the presence and threat of hazardous chemicals.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) is the major regulatory framework that guides the Superfund response effort. The NCP outlines a step-by-step process for implementing Superfund responses and defines the roles and responsibilities of EPA, other Federal agencies, states, private parties, and the communities in response to situations in which hazardous substances are released into the environment. In 1992, EPA introduced the Superfund Accelerated Cleanup Model (SACM). SACM was designed to expedite the cleanup of uncontrolled waste sites and redefine the way Superfund progress is measured.

The Omnibus Reconciliation Act of 1990, which extended Superfund authority, expired in 1994. Since 1994, many Congressional bills have been advanced to reauthorize the program, but none have been enacted. Many aspects of the program that have been subject to reauthorization proposals have been addressed through Superfund administrative reform. Through the act of appropriations, SARA authority for the Superfund program has been extended annually. On January 11, 2002, President Bush signed into law the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-188; H.R. 2869). The law also provides a new definition of brownfields as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The law expands potential financial and technical assistance for brownfields cleanup and revitalization, including grants for assessment, cleanup, and job training. In addition, the law provides limited liability relief of certain contiguous property owners and prospective purchasers of contaminated properties, and clarifies the innocent landowner defense to encourage brownfields cleanup and redevelopment. The law also enhances the roles and funding for state and tribal response programs.

EPA and other Superfund stakeholders have worked since the inception of the program to reduce risks posed by abandoned and uncontrolled hazardous waste sites. As of the end of FY 2002, EPA has evaluated more than 44,000 sites, conducted more than 7,000 removals, and completed construction at 846 of 1,498 sites on the NPL in an effort to protect human health and the environment. Final remedies have been selected at more than 1,100 sites, and design and implementation of the remedies is underway.

I.C SUBJECT MATTER EXPERTS

The following exhibit identifies the subject matter experts for Chapter I Introduction.

EXHIBIT I.1 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
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To see a complete list of data sponsors, please refer to Data Sponsor List in Appendix E.